

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/661,773 Confirmation No. : 7243
First Named Inventor : Markus SCHMID
Filed : September 15, 2003
TC/A.U. : 3618
Examiner : J. Restifo
Docket No. : 028987.52499US
Customer No. : 23911

Title : Motor Vehicle Having at Least One Radiator and Method of
Making a Vehicle Radiator Assembly

REQUEST FOR RECONSIDERATION

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This request is filed in response to the Office Action dated November 30, 2006, and together with a petition for extension of time.

Claim 34 is again rejected under 35 U.S.C. § 102(b), along with dependent claims 35, 39, 40, 43, and 47, as anticipated by U.S. Patent 4,706,615 to Scadding. It is again submitted that this rejection should be withdrawn.

Claim 34 is directed to a radiator accommodating arrangement for a motor vehicle cooling system with air ducts in which a first air guiding duct with a cooling air inlet opening is placed in front, or upstream, of a radiator and a second air guiding duct with a cool air outlet opening is placed behind, or downstream, of the radiator. While the Examiner's brief comments in section 5 on page 3 of the Office Action are noted, line 3 in claim 34 explicitly refers to "a radiator," and lines 6-7 in claim 34 explicitly define the radiator as having an upper portion mounted in a top part of a supporting frame mounted on the motor

vehicle body. The Scadding system includes a radiator 18 but not a support frame, as claim 32 specifies, accommodating the radiator 18 and mounted to an adjacent structure.

Claim 34 additionally defines three features of the invention serving to reduce assembly costs and simplify cooling system mounting. Referring by way of example only and without intending to limit the invention to the illustrated embodiment of the invention, first, claim 34 specifies that the air guiding element (13) is constructed in one piece with the supporting frame (12), and forms the second air guiding duct together with a rearward side of the radiator. Second, claim 34 specifies that the air guiding element (13) is a transverse air guide element constructed in one piece with a top part (17) of the supporting frame (12) and is connected to exterior side panels or cheeks (20) and a rear edge of an upper cross member (19) of the top part (17). Finally, claim 34 requires the air guiding element (13) to end with a lower end region (28) that is bent downwardly and rearwardly so as to end adjacent to a bottom of the downstream cooling air outlet opening (16). None of these three features are disclosed by or inherent in the Scadding cooling system.

The Scadding patent discloses a cooling system for a motor vehicle having a radiator 18, a first air intake duct 26 in front of the radiator, and a second air duct behind the radiator. The Scadding radiator 18 is not accommodated in a support frame. Instead, as illustrated in the sole drawing figure, the radiator 18 extends between the first air intake duct 26 and the second air duct. Each of the first air intake duct 26, the radiator 18, and the second air duct represents a

separate component attached to one another on site. It is respectfully submitted that one of ordinary skill in the art would recognize, from the differently oriented hatching in the drawing, that the radiator 18 and the second air duct involve separate parts. If these components had a one-piece design, then the hatching would be oriented the same way.

In the Scadding configuration, the air duct, designed for dual flow, accommodates a fan 20 such that air flowing through can escape towards the vehicle underside either in front of the fan 20, through an opening 28, or behind the fan 20, through an opening 30. The second air duct rests, by way of an upright flange, on a rear side of likewise upright-oriented flanges of the radiator 18, and is connected those flanges. The second Scadding air duct is not designed as a one piece unit with either the radiator 18 or a support frame accommodating that radiator 18. In the Scadding arrangement, a transverse air guide element formed by the second air duct is connected to upright wall sections of the radiator 18 and not to a rear edge of an upper transverse support of the top and exterior side cheeks or panels of the support frame. Finally, in the Scadding arrangement, the second air duct does not end with a lower end section, bent downwardly and rearwardly, adjacent to a bottom of a cooling air outlet opening as claim 34 specifies. Instead, the second Scadding air duct, through a horizontally oriented wall section, leads from the cool air outlet opening towards the rear.

It is again submitted that the rejection of claim 34 as being anticipated by the Scadding patent should be withdrawn. Nothing noted by the Examiner

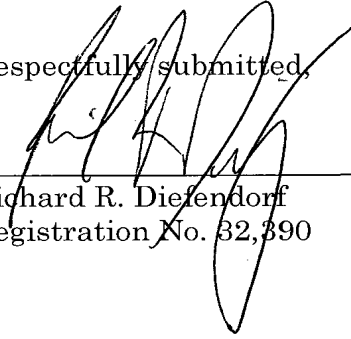
suggests modifying the Scadding configuration so as to meet or include the limitations in claim 34 discussed, moreover, and it is further submitted that claim 34 as it presently appears in this application is patentable. The rest of the claims in this application are dependent claims and are considered patentable as well.

If there are any questions regarding this request for reconsideration or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #028987.52499US).

March 30, 2007

Respectfully submitted,



Richard R. Diefendorf
Registration No. 32,390

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
RRD:rd